

### **REMARKS**

This responds to the Office Action mailed on February 18, 2009. The Action identified claims 15 and 17-20 as allowed, and claims 3-6, 11-14, 23, 25, 26 and 28 as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In accord with the identified allowable subject matter, applicant has amended claims 1, 8, and 21 to respectively include the subject matter of claims 3, 11, and 23. Applicant has also adjusted the dependencies of various claims that previously depended on the canceled claims.

The Action included rejections under 35 U.S.C. §§101, 102, and 103. Each of these is believed to be moot in view of the amendments to accept the allowable subject matter.

Accordingly, all the pending claims are believed to be in condition for allowance.

### **Reservation of Rights**

In the interest of clarity and brevity, applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of

the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's representative Eduardo Drake at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 18, 2009

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 18, 2009.

/ Jonathan Ferguson /

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